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SEP 17 2004

**OFFICE OF PETITIONS**

In re Application of :  
Bharwada Upen :  
Application No. 10/773,887 :  
Filed: February 6, 2004 : ON PETITION  
Attorney Docket Number: :  
03-10 :  
:

This is a decision on the Petition Under 37 CFR § 1.53(e) to Accord a Filing Date, filed August 16, 2004, requesting the application be accorded a filing date of February 6, 2004, including 1 sheet of drawing Figures described in the specification.

The petition is granted.

The application was filed on February 6, 2004. However, on July 22, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, noting that a filing date had NOT been accorded the application because the application had been deposited without drawings.

In response, Petitioner files the instant petition wherein Petitioner avers that one (1) sheet of drawings was originally filed with the application on February 6, 2004, and was received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 1 sheets of drawings on February 6, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 1 sheets of drawings on February 6, 2004. Petitioner has also re-submitted the one (1) sheet of drawings with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of one (1) sheet of drawings supplied on August 16, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 50-0263 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of February 6, 2004, and an indication that one (1) sheet of drawings, comprising Figure 1, was present on filing, using the one (1) sheet of drawings, comprising Figure 1 filed on August 16, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

  
Derek L. Woods  
Petitions Attorney  
Office of Petitions